

STATE OF NEVADA

Department of Conservation & Natural Resources

DIVISION OF ENVIRONMENTAL PROTECTION

Brian Sandoval, Governor

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January 17, 2012

Cindi Byrns
Comstock Mining Inc.
1200 American Flat Road
PO Box 1118
Virginia City, NV 89440

Subject: NDEP Approval and Final Comments on Sampling and Analysis Plan - Comstock Mining Inc. Soils Assessment Areas Affected by the Carson River Mercury Site

Ms. Byrns:

The NDEP has reviewed your January 6th version of the Draft Sampling and Analysis Plan and has some specific comments. NDEP has also received comments from local area community groups on this plan and is incorporating a relevant comment received from those groups. Specific comments related to the text portion of the SAP are included in the attached redline file version. Because there is a limited amount of revision to the existing document, NDEP approves the document provided the following revisions are completely addressed in the final version. Please provide a response letter addressing how each comment below has been addressed in the SAP upon resubmittal and mark the resubmitted version of the SAP document as Final. Also, please provide 6 hardcopies of the final SAP with included disks containing digital versions at the back of each copy to this Division.

Since the NDEP will need to make this document available for download and viewing from our website, please also provide this document in digital PDF format as separate files (i.e. one pdf file containing SAP text, one pdf file containing all figures and a separate pdf file for each appendix).

Specific Comments:

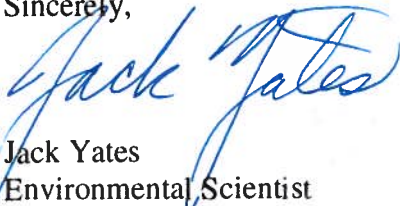
1. See specific comments as noted on attached redline document.
2. See comments on Figure 9 in attached PDF file.
3. CMI needs to include a clear, definitive statement that while conducting exploration or mining activities in any area while on the Comstock that should material that is suspect to contain CRMS contaminants of concern be encountered, sampling of the material per guidance contained in this SAP and the referenced LTSRP will be conducted to the full vertical depth of the material and/or disturbance.
4. CMI needs to address whether an area directly behind the Gold Hill Hotel was disturbed by past CMI operations and if so, include appropriate sampling of this area in the SAP.



5. CMI needs to address whether waste from the excavation of the Lucerne pit was dumped in the area in Storey County on the east side of Highway 342, north of Devils Gate and sample this material to the full depth of fill.
6. CMI needs to evaluate areas southwest of the Dayton mill site for sampling since it appears that there is disturbance in this area related to the Dayton mill on the orthophoto shown on Figure 25.
7. While the CMI processing area was most likely not affected by historic Comstock era wastes, more current mining/processing activities have been conducted there which could have introduced such wastes to that area. Since some of that area is bare soil and road traffic and processing activities could generate dust, six 5-point composite samples of the surficial (0"-6") depth horizon need to be taken to demonstrate that CoC levels do not exceed current screening/action levels. Please show the layout and location of these samples on the appropriate figure (or add another figure that shows them) and discuss their collection and scheduling in the appropriate areas of the SAP text.

If you have any questions or need further assistance, please contact me at (775) 687-9547 or jyates@ndep.nv.gov.

Sincerely,



Jack Yates
Environmental Scientist
Superfund Branch
Bureau of Corrective Actions

Ec: Cindi Byrns, Comstock Mining Inc.
Brian Rakvica, McGinley & Associates
Jere Johnson, EPA
Jeff Collins, NDEP
David Friedman, NDEP
Bruce Holmgren, NDEP
Todd Process, NDEP
Paul Comba, NDEP
Joe Sawyer, NDEP
Comstock Residents Association
Friends of the Comstock
Gayle Sherman
Austin Osborne, Storey County